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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Jonathan R. Merrill

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21839

7590

08/23/2004

BURNS DOANE SWECKER & MATHIS L L P  
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EXAMINER

RIES, LAURIE ANNE

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/955,939

Applicant(s)

MERRIL, JONATHAN R.

Examiner

Laurie Ries

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following informalities:

The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

- Page 2, line 10 – hyperlink to:

<http://www.Microsoft.com/mind/0997/netshow.htm>

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "still images" in line 3. There is insufficient antecedent basis for this limitation in the claim. It is assumed that applicant meant line 2 to read: "means for capturing electronic still images for display by a display device".

Art Unit: 2176

Claim 6 recites the limitation "said slide" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "input device pointer" which is not clearly defined in the specification.

The remaining dependent claims are rejected for fully incorporating the deficiencies of the base claim(s) from which they depend.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 5-9, 11, and 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Gutfreund (U.S. Patent 6,665,835 B1).

As per claim 1, Gutfreund discloses an apparatus for capturing a live presentation including a means for capturing electronic still images for display by a display device that displays the still images for viewing by an audience. (See Gutfreund, Column 3, lines 46-59, and Figure 1). Gutfreund also discloses a means for recording the audio portion of a speaker's presentation during a live

Art Unit: 2176

presentation. (See Gutfreund, Column 4, lines 21-25). Gutfreund also discloses a means for automatically synchronizing change over from one still image to another with the audio recording. (See Gutfreund, page 1, Abstract).

As per claim 3, Gutfreund discloses that the means for capturing electronic still images is housed in an intermediate unit, such as a journaling tool. (See Gutfreund, Column 4, lines 3-7).

As per claim 5, Gutfreund also discloses a media server that provides the synchronized still images and audio recording in an Internet format. (See Gutfreund, Column 3, lines 39-44).

As per claim 6, Gutfreund also discloses an image projection device where the still image or slide originates from one of a computer program. (See Gutfreund, Column 5, lines 56-65).

As per claim 7, Gutfreund also discloses a means for imaging the person giving the live presentation. (See Gutfreund, Column 3, lines 60-61, and Column 4, lines 7-11).

As per claim 8, Gutfreund discloses the use of a microphone to record a presentation. (See Gutfreund, Column 4, lines 7-11, and Column 3, lines 60-61). The examiner takes Official Notice that a microphone must be placed close to or adjacent the person or object transmitting the sound that is to be recorded.

As per claim 9, Gutfreund discloses that the means for automatically synchronizing change over one still image to another still image with the audio recording includes a manual input for marking a change over event. (See Gutfreund, Column 4, lines 58-67, and Column 5, lines 1-4).

As per claim 11, Gutfreund also discloses a means for determining the location of an input device pointer on the display device (See Gutfreund, Column 4, lines 54-56) and a means for associating a time stamp with a determined location, where the automatic synchronizing step also includes the step of storing the determined location of the point and the associated time stamp into memory. (See Gutfreund, Column 1, lines 24-36).

As per claim 17, Gutfreund discloses a means for transmitting the captured still images and recorded audio portion of a presentation to a network in a format suitable for viewing over the network. (See Gutfreund, Column 3, lines 39-40).

As per claim 18, Gutfreund discloses a means for sending the captured still images and audio recording to a client via the Internet. (See Gutfreund, Column 3, lines 39-40).

As per claim 19, Gutfreund discloses a means for converting the audio recording of the live presentation into a streaming format for transfer via the Internet. (See Gutfreund, Figure 3, and Column 5, lines 20-23).

Claims 24-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson (U.S. Patent 5,812,736).

As per claim 24, Anderson discloses a computer-readable medium containing instructions for controlling a data processing system to perform a method in a display system with a display device and a memory, the method including the steps of initiating display of an image (See Anderson, Column 5,

lines 19-30), automatically capturing image data from the image in response to the initiation (See Anderson, Column 5, lines 19-30), storing the image data in the memory of the display system (See Anderson, Claim 1), and receiving the image and audio signals associated with the video image (See Anderson, Column 5, lines 52-65), where the capturing step includes the steps of capturing audio data from the received audio signals, and storing the captured audio data in the memory of the display system (See Anderson, Column 5, lines 19-30).

As per claim 25, Anderson discloses that the method also includes the step of associating a time stamp with the video image data and the audio data to synchronize the video image data with the audio data. (See Anderson, Column 5, lines 41-58).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 4, 10, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gutfreund (U.S. Patent 6,665,835 B1) as applied to claim 1 above, and further in view of Anderson (U.S. Patent 5,812,736).



As per claim 2, Gutfreund discloses the limitations of claim 1 as described above. Gutfreund does not disclose expressly that the means for capturing electronic still images includes a means for routing electrical signals intended to drive the display device to the means for synchronizing. Anderson discloses that the images captured in real-time are stored as a multimedia object called a slide show. When the slide show is presented or displayed, the images synchronized with the audio captured during recording are presented. (See Anderson, Column 5, lines 19-30). It is inherently known that such transfer of data involves the routing of an electrical signal. Gutfreund and Anderson are analogous art because they are from the same field of endeavor of synchronizing video and audio events. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the routing of electrical signals producing the audio and video of Anderson with the means for capturing electronic still images of Gutfreund. The motivation for doing so would have been to allow the images and audio to be played back in sequence. (See Anderson, Column 5, line 67, and Column 6, lines 1-5). Therefore, it would have been obvious to combine Anderson with Gutfreund for the benefit of viewing the images in sequence to obtain the invention as specified in claim 2.

As per claim 4, Gutfreund discloses the limitations of claim 1 as described above. Gutfreund does not disclose expressly that the means for capturing electronic still images is housed in the display device. Anderson discloses that the images are housed in the digital camera, which is used to capture the images, and are viewed via the view finder (See Anderson, Claims 1(d) and

2(d1)). Gutfreund and Anderson are analogous art because they are from the same field of endeavor of synchronizing video and audio events. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the housing of still images within the capturing device of Anderson with the capturing of still images of Gutfreund. The motivation for doing so would have been allow the images and audio to be played back in sequence immediately after the capture. (See Anderson, Column 5, lines 59- 67, and Column 6, lines 1-5). Therefore, it would have been obvious to combine Anderson with Gutfreund for the benefit of viewing the images in sequence immediately after they are captured to obtain the invention as specified in claim 4.

As per claim 10, Gutfreund discloses the limitations of claim 1 as described above. Gutfreund does not disclose expressly that the means for automatically synchronizing change over one still image to another still image with the audio recording includes a means for automatically detecting a change over event. Anderson discloses that a change over event is automatically detected using a time reference associated with the image during capture. (See Anderson, Column 5, lines 52-58, lines 66-67, and Column 6, lines 1-5). Gutfreund and Anderson are analogous art because they are from the same field of endeavor of synchronizing video and audio events. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the automatic detection of a change over event of Anderson with the means for synchronizing change over of Gutfreund. The motivation for doing so

Art Unit: 2176

would have been to allow the images and audio to be played back automatically in sequence. (See Anderson, Column 5, line 67, and Column 6, lines 1-5).

Therefore, it would have been obvious to combine Anderson with Gutfreund for the benefit of viewing the images automatically in sequence to obtain the invention as specified in claim 10.

As per claim 20, Gutfreund discloses a system for digitally recording and storing a lecture presentation using slides and audio that includes a converting component configured to convert the audio signals into digital audio data. (See Gutfreund, Column 4, lines 27-30, and Column 3, lines 61-64). Gutfreund does not disclose expressly that the system includes a still image generator for displaying a still image, a capturing component to capture digital still image data from the data used to generate the still image, where the still image is being displayed by the still image generator, a receiving component configured to receive audio signals, and where the computer includes a memory for storing the digital still image data and the digital audio data. Anderson discloses a digital camera to generate and display still images (See Anderson, claim 8), a component to capture a number of still images (See Anderson, claim 7), a component to receive and record audio signals (See Anderson, claim 7), and where the computer includes memory to store the digital still images and audio signals (See Anderson, claim 7). Gutfreund and Anderson are analogous art because they are from the same field of endeavor of synchronizing video and audio events. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the digital camera, computer, and

Art Unit: 2176

components of Anderson with the system for digitally recording and storing a lecture presentation of Gutfreund. The motivation for doing so would have been to create a slide show with a sound track in real-time allowing for immediate playback. (See Anderson, Column 6, lines 15-47). Therefore, it would have been obvious to combine Anderson with Gutfreund for the benefit of immediate viewing of the slide show to obtain the invention as specified in claim 20.

As per claim 21, Gutfreund and Anderson disclose the limitations of claim 20 as described above. Gutfreund also discloses that the system includes a computer connected to the Internet such that the client can access the stored digital still image data and the digital audio data via the Internet by accessing a web site address. (See Gutfreund, Column 7, lines 45-53, and Figure 5, element 560).

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gutfreund (U.S. Patent 6,665,835 B1) and Anderson (U.S. Patent 5,812,736) as applied to claim 20 above, and further in view of Rogers (U.S. Patent 4,609,779).

As per claim 22, Gutfreund and Anderson disclose the limitations of claim 20 as described above. Gutfreund and Anderson do not disclose expressly that the still image generator displays the still image using an overhead transparency projector. Rogers discloses the use of overhead transparency projectors for displaying images. (See Rogers, Column 3, lines 27-35). Gutfreund, Anderson, and Rogers are analogous art because they are from the same problem solving area of displaying still images. At the time of the invention it would have been

obvious to a person of ordinary skill in the art to include the overhead transparency projector of Rogers with the system for digitally recording and storing a lecture presentation of Gutfreund and Anderson. The motivation for doing so would have been to provide a means for viewing the still images on a projection screen. (See Rogers, Column 2, lines 54-60). Therefore, it would have been obvious to combine Rogers with Gutfreund and Anderson for the benefit of viewing the still images projected on a screen to obtain the invention as specified in claim 22.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gutfreund (U.S. Patent 6,665,835 B1) and Anderson (U.S. Patent 5,812,736) as applied to claim 20 above, and further in view of Fujioka (U.S. Patent 5,414,481).

As per claim 23, Gutfreund and Anderson disclose the limitations of claim 20 as described above. Gutfreund and Anderson do not disclose expressly that the still image generator displays the still image using a paper document projector. Fujioka discloses the use of a paper image projector. (See Fujioka, Column 1, lines 6-9). Gutfreund, Anderson, and Fujioka are analogous art because they are from the same problem solving area of displaying still images. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the paper image projector of Fujioka with the system for digitally recording and storing a lecture presentation of Gutfreund and Anderson. The motivation for doing so would have been to incorporate the use of an image projector for which special document preparation is not needed prior to use, and

which is small, inexpensive, and easy to use. (See Fujioka, Column 1, lines 45-49). Therefore, it would have been obvious to combine Fujioka with Gutfreund and Anderson for the benefit of easily displaying the still images to obtain the invention as specified in claim 23.

Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gutfreund (U.S. Patent 6,665,835 B1) as applied to claim 1 above, and further in view of Lipson (U.S. Patent 6,463,426 B1).

As per claim 12, Gutfreund discloses the limitations of claim 1 as described above. Gutfreund does not disclose expressly including a means for storing the captured still images in a database and providing search capabilities for searching the database. Lipson discloses the storage of images in a database including an image search system. (See Lipson, Column 1, lines 27-33). Gutfreund and Lipson are analogous art because they are from the same problem solving area of storing image data. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the searchable image database of Lipson with the means for storing captured still images of Gutfreund. The motivation for doing so would have been to allow for the classification, detection and retrieval of images based upon the content of the image. (See Lipson, Column 1, lines 34-37). Therefore, it would have been obvious to combine Lipson with Gutfreund for the benefit of classifying and retrieving images to obtain the invention as specified in claim 12.

Art Unit: 2176

As per claim 13, Gutfreund and Lipson disclose the limitations of claim 12 as described above. Gutfreund also discloses a means for creating a searchable transcript of text in the still images. (See Gutfreund, Column 4, lines 33-38).

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gutfreund (U.S. Patent 6,665,835 B1) and Lipson (U.S. Patent 6,463,426 B1) as applied to claim 13 above, and further in view of Block (U.S. Patent 6,295,543 B1).

As per claim 14, Gutfreund and Lipson disclose the limitations of claim 13 as described above. Gutfreund and Lipson do not disclose expressly that the means for creating a transcript includes a means for optical character recognition (OCR). Block discloses the use of optical character recognition (OCR) to process image data. (See Block, Column 4, lines 33-43). Gutfreund, Lipson and Block are analogous art because they are from the same problem solving area of processing image data. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of optical character recognition (OCR) of Block with the creation of a transcript of Gutfreund and Lipson. The motivation for doing so would have been to convert the image data to ASCII format. (See Block, Column 4, lines 42-44). Therefore, it would have been obvious to combine Block with Gutfreund and Lipson for the benefit of converting the data to ASCII to obtain the invention as specified in claim 14.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gutfreund (U.S. Patent 6,665,835 B1), Lipson (U.S. Patent 6,463,426 B1) and Block (U.S. Patent 6,295,543 B1) as applied to claim 14 above, and further in view of Pederson (U.S. Patent 5,638,543).

As per claim 15, Gutfreund, Lipson and Block disclose the limitations of claim 14 as described above. Gutfreund, Lipson and Block do not disclose expressly a means for auto-summarizing the transcript to generate a summary of the transcript. Pederson discloses a method of automatically summarizing documents, such as a transcript. (See Pederson, Column 3, lines 21-38, and Figure 2). Gutfreund, Lipson, Block and Pederson are analogous art because they are from the same problem solving area of processing data. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the automatic summarizing method of Pederson with the transcript of Gutfreund, Lipson, and Block. The motivation for doing so would have been to create an abstract of the transcript allowing the reader to save time by determining if the transcript is relevant. (See Pederson, Column 1, lines 14-21). Therefore, it would have been obvious to combine Pederson with Gutfreund, Lipson, and Block for the benefit of saving time for the reader to obtain the invention as specified in claim 15.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gutfreund (U.S. Patent 6,665,835 B1), Lipson (U.S. Patent 6,463,426 B1) and



Block (U.S. Patent 6,295,543 B1) as applied to claim 14 above, and further in view of Lin (U.S. Patent 5,978,818).

As per claim 16, Gutfreund, Lipson and Block disclose the limitations of claim 14 as described above. Gutfreund, Lipson and Block do not disclose expressly including a means for auto-outlining the transcript to generate an outline of the transcript. Lin discloses a method for providing an automated outline of a document. (See Lin, Column 2, lines 46-49). Gutfreund, Lipson, Block and Lin are analogous art because they are from the same problem solving area of processing data. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the automated outlining method of Lin with the transcript of Gutfreund, Lipson, and Block. The motivation for doing so would have been to provide a reader with a list of sections included in the transcript. (See Lin, Column 1, lines 59-66). Therefore, it would have been obvious to combine Lin with Gutfreund, Lipson, and Block for the benefit of listing the sections contained in the transcript to obtain the invention as specified in claim 16.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Yager (U.S. Patent 5,983,236) discloses a method and system for providing a multimedia presentation.

Art Unit: 2176

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurie Ries whose telephone number is currently (703) 605-1238. After mid-October, 2004, the examiner can be reached at (571) 272-4095. The examiner can normally be reached on Monday-Friday from 7:00am to 3:30pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LAR



**JOSEPH FEILD**  
**SUPERVISORY PATENT EXAMINER**